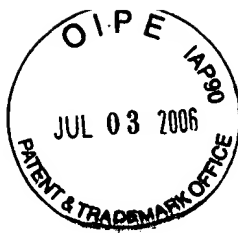


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APPEAL BRIEF UNDER 37 C.F.R. § 41.37
TECHNOLOGY CENTER ART UNIT 2143

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

RAYMOND F. RATCLIFF III

Serial No.: 09/818,003

Filing Date: March 27, 2001

Title: METHOD AND APPARATUS FOR SHARING INFORMATION USING A
HANDHELD DEVICE

Confirmation No.: 2031

Art Unit: 2143

Examiner: SHIN, KYUNG

July 3, 2006

BRIEF ON APPEAL

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

This is an Appeal from the decision of the Examiner mailed December 20, 2005. This Brief on Appeal is filed in compliance with 37 C.F.R. § 41.37, and is accompanied by the required fee.

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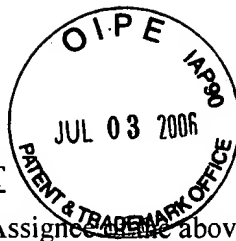


TABLE OF CONTENTS

I.	REAL PARTY IN INTEREST	1
II.	RELATED APPEALS AND INTERFERENCES	1
III.	STATUS OF CLAIMS	1
IV.	STATUS OF AMENDMENTS	1
V.	SUMMARY OF THE CLAIMED SUBJECT MATTER	1
VI.	GROUND OF REJECTION TO BE REVIEWED ON APPEAL	8
VII.	ARGUMENTS	8
1.	Rejection of claims 1, 2, 7-9, 12-19, 21-23, 30, 31, 33-41 and 45-52 as being unpatentable under 35 U.S.C. § 103(a) over Eldridge et al. (U.S. Patent No. 6,515,988) in view of Neukermans et al. (U.S. Patent No. 6,229,139).	8
1.1.	Claims 1, 2, 7-9, 45 and 46	8
1.2.	Claims 12, 13, 30, 48 and 49	13
1.3.	Claim 14	15
1.4.	Claim 15	16
1.5.	Claim 50	16
1.6.	Claim 31	17
1.7.	Claim 33	17
1.8.	Claim 16, 17, 21, 38, 39 and 47	18
1.9.	Claims 18 and 40	20
1.10.	Claims 19 and 41	20
1.11.	Claims 51 and 52	21



1.12. Claims 22, 23 and 34-36	21
2. <u>Rejection of claims 3-6 and 24-27 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hayakawa (U.S. Patent No. 6, 765,559).</u>	24
2.1. Claims 3-6	24
2.2. Claims 24-27	25
3. <u>Rejection of claims 10, 20, 28 and 32 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning (U.S. Patent No. 6,707,781).</u>	26
3.1. Claim 10	26
3.2. Claim 20	27
3.3. Claim 28	27
3.4. Claim 32	28
4. <u>Rejection of claims 11 and 29 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hochendoner (U.S. Patent No. 6,771,568).</u>	29
4.1. Claim 11	29
4.2. Claim 29	29
VIII. CONCLUSION	30
IX. CLAIMS APPENDIX	31
X. EVIDENCE APPENDIX	44
XI. RELATED PROCEEDINGS APPENDIX	45



I. REAL PARTY IN INTEREST

The real party in interest is the Assignee of the above-captioned application, Hemisphere II Investment LP. An assignment was recorded on August 2, 2001 at reel/frame 012038/0836.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences which are related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-41 and 45-52 are currently pending with claims 1, 12, 16, 22, 30, 34, 38, 45, 47, 48 and 49 being independent.

The Final Rejection of Claims 1-41 and 45-52 is appealed and those claims are set forth in the attached Appendix. Claims 42-44 were cancelled in response to the Final Office Action dated December 20, 2005.

IV. STATUS OF AMENDMENTS

Subsequent to the December 20, 2006 Final Office Action being appealed, claim 16 was amended and claims 42-44 were cancelled. In the Advisory Action mailed on April 18, 2006, the Examiner indicated that for purposes of Appeal, the amendments filed on March 20, 2006 will be entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Suppose a user is reading an article in a printed publication such as a newspaper. The user wants to save the article and share it with a colleague. How can a user accomplish this task without keeping the physical article, copying it, or scanning it? The present invention provides a solution.

Independent claim 1 recites a method for sending information to a data processing apparatus for identification of a document having the information. The method uses a handheld device capable of communicating with the data processing apparatus. In the method, a document is provided (reading on item 110 in Figure 1 and item 205 in Figure 2, page 4, line 17). Then, the information from the document is captured. The information comprises actual data from the document (reading on item 210 in Figure 2, page 7, lines 16-17 and page 8, lines 12-18). The captured information is stored in a memory of the handheld device as document data (reading on

item 115 in Figure 1, page 8, line 24 through page 9, line 2). A communications path is established between the handheld device and the data processing apparatus (see arrows in Figure 1 and reading on item 220 in Figure 2, page 9, lines 15-21). The document data is retrieved from the memory of the handheld device (reading on items 115 and 120 in Figure 1 and item 220 in Figure 2, page 9, lines 21-24). The retrieved document data is then sent from the handheld device to the data processing apparatus through the communications path for identification of the document (reading on Figures 1 and 2, page 9, lines 23-24).

Independent claim 12 recites a method for identifying a document for sharing with a recipient, in a data processing apparatus. In the method, a plurality of reference documents are provided. Each reference document has a reference data stored in a memory (reading on item 140 in Figure 1, page 6, lines 12-14 and page 10, lines 12-15). Document data associated with one of the reference documents is received from a handheld device. The document data includes actual data from the document (see arrows in Figure 1 and reading on item 220 in Figure 2, page 9, lines 21-24 and page 10, lines 1-2). At least a portion of the received document data is extracted as scanning data (reading on page 10, lines 3-10). The reference data is retrieved from the memory (reading on item 140 in Figure 1, page 10, lines 15-22). The scanning data is then compared with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15). When the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document is selected as the identified document (reading on page 11, line 23 through page, line 20).

Independent claim 16 recites a method for identifying a document and sharing the identified document with a recipient, in a data processing apparatus, the data processing apparatus coupled to a data network. A plurality of reference documents are provided. Each reference document has associated reference data stored in a memory (reading on item 140 in Figure 1, page 6, lines 12-14 and page 10, lines 12-15). Information captured from a source document is received from a handheld device in communication with the data processing apparatus. The information includes actual data from the source document, and address information identifying a receiving address for the recipient (reading on items 110, 115, 120, 125 and 135 and arrows in Figure 1 and items 210, 215 and 220 in Figure 2, page 9, lines 3-5 and lines 21-24 and page 10, lines 1-2). At least a portion of the captured information is extracted as scanning data (reading on page 10, lines 3-10). The scanning data is retrieved from the memory

(reading on item 140 in Figure 1, page 10, lines 15-22). The scanning data is then compared with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15). The one reference document is selected as the identified document, when the scanning data matches at least a portion of the reference data associated with one of the reference documents (reading on page 11, line 23 through page, line 20). Using the address information, the selected document is then sent to the receiving address of the recipient (reading on item 235 in Figure 2, page 12, lines 10-18).

Independent claim 22 recites a method for sharing with a recipient a document having information using a handheld device having a memory capable of communicating with a data processing apparatus in communication with a data network. In the method, the information is captured from the document using the handheld device. The information includes actual data from the document (reading on item 210 in Figure 2, page 7, lines 16-17 and page 8, lines 12-18). The captured information is then stored in the memory of the handheld device (reading on items 115, 120 in Figure 1, page 8, line 24 through page 9, line 2). Address information identifying a receiving address for the recipient is provided to the handheld device (reading on item 215 in Figure 2, page 9, lines 3-12). The address information is stored in the memory of the handheld device (reading on items 115, 120 in Figure 1, page 9, lines 12-14). A communications path between the handheld device and the data processing apparatus is established (reading on items 115, 120 and 125 and arrows in Figure 1, item 220 in Figure 2, page 9, lines 15-18). The captured information and the address information from the handheld device are sent to the data processing apparatus via the communications path (reading on items 115, 120 and 125 and arrows in Figure 1, item 220 in Figure 2, page 9, lines 21-24). The data processing apparatus receives the captured information and the address information from the handheld device (reading on page 9, line 24 through page 10, line 2). At least a portion of the captured information is extracted as scanning data (page 10, lines 3-10). A plurality of reference documents are provided, each reference document having reference data stored in a reference memory (reading on item 140 in Figure 1, page 6, lines 12-14 and page 10, lines 12-15). The reference data is retrieved from the reference memory (reading on item 140 in Figure 1, page 10, lines 15-22). The scanning data is then compared with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15). When the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document is selected as the identified document (reading on page 11, line 23 through page, line 20). Using the address information, the selected document is then sent to the receiving address of the recipient (reading on item 235 in

Figure 2, page 12, lines 10-18).

Independent claim 30 recites a data processing apparatus for identifying one of a plurality of reference documents for sharing with a recipient in communication with a data network, each reference document having reference data, from information received from a handheld device in communication with the data processing apparatus, the data processing apparatus coupled to the data network. The data processing apparatus includes a memory in which a plurality of instructions are stored (reading on item 310 in Figure 3, page 12, line 23 through page 13, line 1). The apparatus also includes a processor coupled to the memory (reading on items 305 and 310 in Figure 3, page 12, line 23 through page 13, line 1). The processor is coupled to the memory to access the reference data in a storage medium (reading on item 315 in Figure 3 and item 140 in Figure 1, page 6, lines 12-15), and to receive the information from the handheld device (reading on items 115 and 120 in Figure 1). The information includes actual data from a document (reading on arrows in Figure 1 and item 220 in Figure 2, page 9, lines 21-24 and page 10, lines 1-2). The processor (reading on item 305 in Figure 3) is capable of executing the instructions in the memory (reading on item 310 in Figure 3). The execution of the instructions causes a plurality of steps to be performed. The steps include extracting at least a portion of the information received from the handheld device as scanning data (reading on page 10, lines 3-10), comparing the scanning data with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15), and selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document (reading on page 11, line 23 through page, line 20).

Independent claim 34 recites a system for identifying one of a plurality of reference documents, each reference document having associated reference data, for sharing the identified document with a recipient. The system includes a data processing apparatus in communication with a data network (reading on items 125, 130 in Figure 1, page 6, lines 1-14). The system also includes a handheld device (reading on items 115 and 120 in Figure 1) having a memory. The handheld device is capable of capturing the information from the document. The information includes actual data from the document (reading on item 210 in Figure 2, page 7, lines 16-17 and page 8, lines 12-18). The handheld device is capable of storing the captured information in the memory (reading on page 8, line 24 through page 9, line 2). The handheld device is capable of storing, in the memory, address information identifying a receiving address for the recipient

(reading on items 115, 120 in Figure 1, page 9, lines 12-14). The handheld device is further capable of establishing a communications path with the data processing apparatus (see arrows in Figure 1 and reading on item 220 in Figure 2, page 9, lines 15-21), and sending the captured information and the address information from the handheld device to the data processing apparatus via the communications path (reading on items 115, 120 and 125 and arrows in Figure 1, item 220 in Figure 2, page 9, lines 21-24). The data processing apparatus (reading on item 125 in Figure 1) is capable of receiving the captured information and the address information from the handheld device (reading on arrows in Figure 1 and item 220 in Figure 2, page 9, lines 21-24 and page 10, lines 1-2). The data processing apparatus is further capable of extracting at least a portion of the captured information as scanning data (reading on page 10, lines 3-10). The data processing apparatus is further capable of accessing the reference data (reading page 10, lines 12-17) and comparing the scanning data with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15). The data processing apparatus is further capable of selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document as the identified document (reading on page 11, line 23 through page, line 20). The data processing apparatus is also capable of establishing a communications path between the data processing apparatus and the recipient via the data network (see arrows in Figure 1 and reading on item 220 in Figure 2, page 9, lines 15-21), and sending, using the address information, the selected document to the receiving address of the recipient via the communications path (reading on item 235 in Figure 2, page 12, lines 10-18).

Independent claim 38 recites a processor readable storage medium having processor readable program code such that, when executed by a processor in a data processing apparatus, performs a method for identifying one of a plurality of reference documents for sharing with a recipient, from information received by the data processing apparatus from a handheld device in communication with the data processing apparatus. Each reference document has reference data. In the method, at least a portion of the information received from the handheld device is extracted as scanning data. The information includes actual data from a document (reading on item 225 in Figure 2, page 10, lines 3-10). At least a portion of the information received from the handheld device is extracted as address information identifying a receiving address for the recipient (reading on item 230 in Figure 2, page 10, line 2 through page 11, line 5). The scanning data is compared with the reference data (item 225 in Figure 2, page 10, lines 12-15). When the scanning data matches at least a portion of the reference data of one of the reference documents,

the one reference document is selected as the identified document (reading on page 11, line 23 through page 12, line 20). Using the address information, the selected document is then sent to the receiving address of the recipient (reading on item 235 in Figure 2, page 12, lines 10-18).

Independent claim 45 recite a method for sending information to a data processing apparatus for identification of an item using a handheld device capable of communicating with the data processing apparatus, the handheld device having a memory. In the method, information from the item is captured. The information includes actual data from the item (reading on item 210 in Figure 2, page 7, lines 16-17 and page 8, lines 12-18). The captured information is stored in the memory of the handheld device as data (reading on item 115 in Figure 1, page 8, line 24 through page 9, line 2). A communications path is established between the handheld device and the data processing apparatus (see arrows in Figure 1 and reading on item 220 in Figure 2, page 9, lines 15-21). The captured information is then retrieved from the memory of the handheld device (reading on items 115 and 120 in Figure 1 and item 220 in Figure 2, page 9, lines 21-24). The retrieved data from the handheld device is then sent to the data processing apparatus through the communications path for identification of the item (see arrow in Figure 1 and reading on item 220 in Figure 2, page 9, lines 23-24).

In the method recited in independent claim 47, a plurality of reference items are provided, each reference item having associated reference data stored in a memory (reading on item 140 in Figure 1, page 6, lines 12-14 and page 10, lines 12-15). Information captured from an item by a handheld device in communication with the data processing apparatus is received from the handheld device. The information includes actual data from the item, and address information identifying a receiving address for the recipient (reading on items 110, 115, 120, 125 and 135 and arrows in Figure 1 and items 210, 215 and 220 in Figure 2, page 9, lines 3-5 and lines 21-24 and page 10, lines 1-2). At least a portion of the captured information is extracted as scanning data (reading on page 10, lines 3-10). The scanning data is then compared with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15); When the scanning data matches at least a portion of the reference data associated with one of the reference items, the one reference item is selected as the identified item (reading on page 11, line 23 through page 12, line 20). Using the address information, the identified item is then sent to the receiving address of the recipient (reading on item 235 in Figure 2, page 12, lines 10-18).

In the method of independent claim 48, a plurality of reference documents are provided, each reference document having associated reference data stored in a memory (reading on item 140 in Figure 1, page 6, lines 12-14 and page 10, lines 12-15). Information captured from a document by a handheld device in communication with the data processing apparatus is received from the handheld device. The information comprises actual data from the document (reading on items 110, 115, 120 and 125 and arrows in Figure 1 and items 210 and 220 in Figure 2, page 9, lines 21-24 and page 10, lines 1-2). At least a portion of the captured information is extracted as scanning data (reading on page 10, lines 3-10). The scanning data is then compared with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15). When the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document is selected as the identified document (reading on page 11, line 23 through page 12, line 20).

In the method of independent claim 49, a plurality of reference items are provided, each reference item having associated reference data stored in a memory. Information captured from an item by a handheld device in communication with the data processing apparatus is received from the handheld device. The information includes actual data from the item (reading on items 110, 115, 120 and 125 and arrows in Figure 1 and items 210 and 220 in Figure 2, page 9, lines 21-24 and page 10, lines 1-2). At least a portion of the captured information is extracted as scanning data (reading on page 10, lines 3-10). The scanning data is then compared with the reference data (reading on item 225 in Figure 2, page 10, lines 12-15). When the scanning data matches at least a portion of the reference data associated with one of the reference items, the one reference item is selected as the identified item (reading on page 11, line 23 through page 12, line 20).

Appellant respectfully submits that the above reference to the specification by page and line number and to the drawings, if any, by reference characters, in the claim language are merely given to allow the Board of Appeals to more quickly determine where the claimed subject matter is described in the application in compliance with 37 C.F.R. § 41.37. Therefore, it must be appreciated that the claims are not limited in any way to the embodiments described in the specification but encompass all suitable modifications, combinations and equivalents.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues in this Appeal are whether:

1. Claims 1, 2, 7-9, 12-19, 21-23, 30, 31, 33-41 and 45-52 are unpatentable under 35 U.S.C. § 103(a) over Eldridge et al. (U.S. Patent No. 6,515,988) in view of Neukermans et al. (U.S. Patent No. 6,229,139).
2. Claims 3-6 and 24-27 are unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hayakawa (U.S. Patent No. 6,765,559).
3. Claims 10, 20, 28 and 32 are unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning (U.S. Patent No. 6,707,781).
4. Claims 11 and 29 are unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hochendoner (U.S. Patent No. 6,771,568).

VII. ARGUMENTS

1. Rejection of claims 1, 2, 7-9, 12-19, 21-23, 30, 31, 33-41 and 45-52 as being unpatentable under 35 U.S.C. § 103(a) over Eldridge et al. (U.S. Patent No. 6,515,988) in view of Neukermans et al. (U.S. Patent No. 6,229,139).

1.1. Claims 1, 2, 7-9, 45 and 46

Claim 1 recites a method for sending information to a data processing apparatus for identification of a document having the information using a handheld device. The information including actual data from the document is captured from the document. The captured information is stored in a memory of the handheld device as document data. The document data is retrieved from the memory of the handheld device and sent from the handheld device to the data processing apparatus for identification of the document.

Eldridge et al. discloses a portable device that receives, transmits, and processes tokens. (see field of the invention in col. 1 of Eldridge et al.) A token is a reference to a document or to a document service (see col. 2, lines 1-4 in Eldridge et al.). A token includes all of the following information: the operation that is to be performed, the address of the document or the address of

the system providing the document service, a parameter defining a property of a document or a service, a visible name, and a security parameter (see col. 2, lines 18-46 in Eldridge et al.). The tokens in Eldridge et al. are used in a portable device so that services can be performed on documents by transmitting tokens (including document identifiers) instead of the documents themselves. The tokens are transmitted to another device (for example a network printer) which can check security and various other parameters and modify its default operations in response to the users input (see col. 1, lines 64-67 in Eldridge et al.). The tokens which include security information are presented to secure document servers which verify signatures on tokens and examines the specified conditions associated with the token (see col. 3, lines 11-19 in Eldridge et al.).

Clearly, the token in Eldridge et al. is not actual document data. The Examiner apparently agrees that the token in Eldridge et al. is not actual document data. Specifically, the Examiner concedes in page 9 of the Final Office Action that Eldridge et al. does not disclose, teach or suggest “providing the document and capturing the information from the document, wherein the information comprises actual data from the document,” as required by claim 1.

However, the Examiner contends that Neukermans et al. discloses a handheld device with attached scanner used to capture information from the document, wherein the information comprises actual data from the document. In pages 3 and 4 of the Final Office Action, the Examiner contends that the combined teachings of Eldridge et al. and Neukermans et al. discloses the additional feature of adding “document data” to the token concept. The Examiner contends that in this configuration, “document data” is utilized as an additional parameter within the document identifier (i.e., token). The Examiner contends it would have been obvious to one of ordinary skill in the art to modify Eldridge et al. to scan a document and generate digital data for comparison identification as taught by Neukermans et al. Appellant respectfully disagrees for the reasons set forth below.

Neukermans et al. merely discloses a handheld scanner. In Neukermans et al., the scanner may be externally coupled to a PDA or may be fully integrated within the PDA. The PDA can be used for storing scanned document images for immediately sorting and classifying the images and for later retrieval of the images. The scanned document images may later be downloaded to a desktop computer for additional data processing such as sorting, parsing of the data, OCR, ICR, and archival storage (see col. 3, lines 50-59 in Neukermans et al.).

Neukermans et al. does not disclose, teach or even suggest sending the scanned document data using the PDA to a data processing apparatus through a communications path for

identification of the document. The scanned document data in Neukermans et al. is merely parsed, stored and archived. The document data in Neukermans et al. is not sent through a communication path for identification of a document.

Eldridge et al. merely stores and transmits tokens which are document identifiers, such as URLs, as well as information necessary to access documents (actual document data) stored in a repository at a site on the web.

There is no suggestion in either Eldridge et al. or Neukermans et al. or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge et al. to scan a document and generate digital data which can be sent for identification of the document.

“In determining the propriety of the patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the art in the relevant art having the reference before him to make the proposed substitution, combination, or other modification.” *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

There is no suggestion in Eldridge et al. to replace the tokens with actual document data and there is no suggestion in Eldridge et al. to add actual document data to the tokens, as the Examiner suggested. In fact, Eldridge et al. clearly states that “documents are effectively distributed between devices by transmission of document URLs, rather than the lengthy document itself” (emphasis added), (see col. 1, lines 35-37 in Eldridge et al.). Furthermore, Eldridge et al. merely transmits tokens that contain service or document parameters. For example, Eldridge et al. states that “[t]he general token 30 includes a further component designated Service Parameters 38. This component itself has several components 382-389 which serve to further specify the service request. The Service Parameters 38 includes Service Name 382, which identifies how a service is identified to the user as a visible name in the user interface of the PDA 2. This may be simply a familiar name, e.g. "Print" or "Scan" or "Fax", a graphic icon, or can be more complex, e.g. a type-in form to be filled in by the user.” (see col. 7, lines 25-35 in Eldridge et al.). Consequently, Eldridge et al. teaches away from sending actual document data through a communication path for identification of the document.

Furthermore, even if actual document data was added to the token in Eldridge, there is no suggestion in either Eldridge or Neukermans that such data would be used to identify the document. The token described in Eldridge contains information to identify the document. Absolutely no suggestion exists in either Eldridge or Neukermans to use actual document data captured from the document to replace the identifying data taught in Eldridge. Therefore,

contrary to Examiner's contention, one ordinary skill in the art would not have been motivated to modify Eldridge et al. to scan a document and generate digital data which can be used for comparison identification.

Moreover, it would not have been obvious to combine Eldridge et al. and Neukermans et al. The modification of Eldridge as proposed by the Patent Office would destroy the apparatus of Eldridge et al. for its intended purpose. Hence, such a modification cannot be obvious.

"If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Indeed, Eldridge et al. does not store and transmit lengthy data such as documents but merely stores and transmits tokens which are document identifiers, such as URLs or service or document parameters, that are used for accessing documents stored in an electronic repository. Furthermore, the tokens in Eldridge include security information which is presented to secure document servers for verification of signatures on the tokens and for examining specified conditions associated with the tokens.

Therefore, even if one would have modified Eldridge et al. with Neukermans et al. and replaced the tokens in Eldridge et al. with the scanned documents in Neukermans et al. or added the scanned documents to the tokens, replacing the tokens which contain security information by the scanned documents or adding the scanned documents to the tokens would defeat the purpose of Eldridge et al.'s device as the device in Eldridge et al. transmits tokens to access documents stored in a repository or to check and/or modify various parameters of another device (e.g., a printer). Replacing the tokens with the scanned document data or adding the scanned document data to the tokens in Eldridge et al. would simply allow the portable device in Eldridge et al. to transmit the document data to the other device (e.g., a printer) and thus destroy the purpose of Eldridge et al. which is to transmit tokens (documents identifiers) instead of the documents themselves.

Furthermore, the entire purpose of the tokens in Eldridge et al. is to avoid storing document data. Indeed, Eldridge et al. clearly states that "documents are effectively distributed between devices by transmission of document URLs, rather than the lengthy document itself." (see col. 1, lines 35-37 in Eldridge et al.). To replace data in the token with actual document data or add actual document data to the token would defeat Eldridge's intended purpose of transmitting tokens in place of actual documents. Hence, this would not have been obvious.

In page 3 of the Final Office Action, in response to arguments filed by Appellant on

October 11, 2005, the Examiner asserts that Applicant's "document data" is a subset of the entire set of data in a document and based on claim 1, this particular "document data" is utilized to identify a document and as such "document data" is utilized as a document identifier. The Examiner contends that Eldridge et al. discloses the capability to enable the usage of a document identifier (i.e., the token) which is utilized to identify a particular document for processing and concludes that the concept of "document data" is analogous art (i.e., equivalent) for Eldridge et al. prior art designated as a token or a document identifier. Appellant respectfully disagrees for the reasons set forth below.

Contrary to Examiner's assertion, the tokens in Eldridge et al. are not "analogous" to document data which is a subset of an entire set of data in a document. Appellant acknowledges that the intent of using the token, which is a reference to a document or to a document service in Eldridge, is to identify documents. However, even if the intent of using the "token" in Eldridge et al. is to perform the function of "identifying" a document and one intent of using "document data" is to perform the function of "identifying" a document, this function is performed in different ways in Eldridge et al. and in "providing the document and capturing the information from the document, wherein the information comprises actual data from the document...sending the retrieved document data from the handheld device to the data processing apparatus through the communications path for identification of the document," as recited in claim 1.

"In order to rely on equivalence as a rationale supporting an obviousness rejection, the equivalency must be recognized in the prior art, and cannot be based on applicant's disclosure or the mere fact that the components at issue are functional or mechanical equivalents. *In re Ruff*, 256 F.2d 590, 118 USPQ 340 (CCPA 1958).

Furthermore, consider *In re Scott*, 323 F.2d 1016, 139 USPQ 297 (CCPA 1963). Claims were drawn to a hollow fiberglass shaft for archery and a process for the production thereof where the shaft differed from the prior art in the use of a paper tube as the core of the shaft as compared with the light wood or hardened foamed resin core of the prior art. The Board found the claimed invention would have been obvious, reasoning that the prior art foam core is the functional and mechanical equivalent of the claimed paper core. The CCPA reversed, holding that components which are functionally or mechanically equivalent are not necessarily obvious in view of one another, and in this case, the use of a light wood or hardened foam resin core does not fairly suggest the use of a paper core. See MPEP 2144.06.

In the present case, the use of a "token," which is a reference to a document or to a document service, in Eldridge et al. does not fairly suggest the use of "actual document data."

Therefore, the Examiner erred in equating “document data” recited in claim 1 to “the token” in Eldridge et al.

In the Advisory Action, the Examiner also asserts that once a document has been identified, the document itself must be transferred between systems for processing and Eldridge et al. discloses the actual transfer of a document between systems pointing to col. 5, lines 14-17 in Eldridge et al. In col. 5, lines 14-17, Eldridge et al. states that “[u]pon request of a user at a first machine, a document stored on a second machine may be retrieved and sent from the second machine over the internet, via any number of intermediate machines to the first machine. Also the document may be retrieved using as a unique identifier its world wide web URL.” Therefore, in Eldridge et al., the user simply requests a document stored at another machine and retrieves the document. In Eldridge et al., the user does not send actual document data from the first machine to the data processing apparatus (second machine) for identification of the document.

Consequently, neither Eldridge et al. nor Neukermans et al., alone or in combination disclose, teach or suggest the subject matter recited in claim 1. Therefore, claim 1 is patentable over the combination of Eldridge et al. and Neukermans et al. Claims 2 and 7-9 depend from claim 1. Therefore, for at least the reasons provided above in claim 1, claims 2 and 7-9 is also patentable.

Claim 45 is similar to claim 1. Claim 45 recites, among other things, capturing information from an item, the information comprising actual data from the item and sending the data from a handheld to a data processing apparatus for identification of the item. For at least the reasons provided above in claim 1, claim 45, and claim 46 which depends therefrom, are also patentable.

Therefore, it is respectfully requested that the rejection of claims 1, 2, 7-9, 45 and 46 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.2. Claims 12, 13, 30, 48 and 49

Claim 12 recites a method for identifying a document for sharing with a recipient. In the method, a plurality of reference documents are provided. Document data associated with one of the references and comprising actual data from the document is received from a handheld device. At least a portion of the received data is extracted as scanning data. The scanning data is compared with the reference data and when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document is selected as the

identified document.

As stated above with respect to claim 1, Eldridge et al. discloses tokens that are used in a portable device so that services can be performed on documents by transmitting the tokens (including document identifiers) instead of the documents themselves. Clearly, the token in Eldridge et al. is not actual data from a document. The Examiner apparently agrees that the token in Eldridge et al. is not actual document data. Specifically, the Examiner concedes that Eldridge et al. does not disclose, teach or suggest “receiving from a handheld device, document data associated with one of the reference documents, wherein the document data comprises actual data from the document,” as recited in claim 12.

Furthermore, contrary to Examiner’s contention, Eldridge et al. does not disclose, teach or suggest “comparing the scanning data with the reference data,” as recited in claim 12. Indeed, Eldridge et al. does not provide scanned data much less compare the scanned data with a reference data. In col. 2, lines 26-28, Eldridge et al. states that “[t]he token contains the information necessary to find the document or service. The address could consist of the network address of a server and the file path name of a document.” Eldridge et al. does not disclose, teach or even suggest using scanned data and comparing the scanned data with a reference data.

In addition, contrary to Examiner’s contention, Eldridge et al. does not disclose, teach or suggest “selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document,” as recited in claim 12. Eldridge et al. does not compare scanning data with reference data and hence cannot select the reference document upon matching the scanning data with the at least a portion of the reference data.

The Examiner contends that Neukermans et al. discloses a handheld device with attached scanner used to capture information from the document, wherein the information comprises actual data from the document. The Examiner contends it would have been obvious to one of ordinary skill in the art to modify Eldridge et al. to scan a document and generate digital data for comparison identification as taught by Neukermans et al. Appellant respectfully disagrees for at least the reasons set forth below.

Neukermans et al. does not cure the deficiencies noted above in Eldridge et al. As stated above with respect to claim 1, Neukermans et al. merely discloses a handheld scanner. The scanner may be externally coupled to a PDA or may be fully integrated within the PDA. Neukermans et al. does not disclose, teach or even suggest comparing scanning data with reference data. Furthermore, Neukermans et al. does not disclose, teach or suggest selecting,

when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document. The scanned document data in Neukermans et al. is merely parsed, stored and archived. The document data in Neukermans et al. is not compared with reference data.

Moreover, there is no suggestion in either Eldridge et al. or Neukermans et al. or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge et al. to scan a document and generate digital data which can be used for comparison identification. Clearly, Neukermans et al. does not disclose, teach or even suggest comparing the scanned document data “using the PDA” with a reference data. As stated above, the scanned document data in Neukermans et al. is merely parsed, stored and archived. Furthermore, Neukermans et al. does not disclose, teach or even suggest that document data comprising actual document data associated with one of reference documents is received from a handheld device (i.e., document data sent by the handheld). In fact, to the contrary, in Neukermans et al., the handheld device (PDA) receives document data from a scanner, i.e. the document data is sent from the scanner to the PDA.

Furthermore, as stated above with respect to claim 1, there is no suggestion or motivation to replace the tokens in Eldridge et al. with actual document data, or to add actual document data (document data from Neukermans et al.) to the tokens in Eldridge et al. Contrary to Examiner’s contention, one ordinary skill in the art would not have been motivated to modify Eldridge et al. to scan a document and generate digital data which can be used for comparison identification. Consequently, neither Eldridge et al. nor Neukermans et al., alone or in combination disclose, teach or suggest the subject matter recited in claim 12.

Therefore, claim 12 is patentable over the combination of Eldridge et al. and Neukermans et al. Claim 13 depends from claim 12. Therefore, for at least the reasons provided above in claim 12, claim 13 is also patentable.

Claims 30, 48 and 49 are similar to claim 12. Therefore, for at least the reasons provided above with respect to claim 12, claims 30, 48 and 49 are patentable.

Therefore, it is respectfully requested that the rejection of claims 12, 13, 30, 48 and 49 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.3. Claim 14

Claim 14 depends from claim 12. Therefore, for at least the reasons provided above with

respect to claim 12, claim 14 is patentable. Furthermore, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest “the scanning data extracted from the received document data includes digital text data identifying an author of the one reference document.” Indeed, the token in Eldridge et al. merely contains service names, which identify how a service is identified to the user as a visible name in the user interface of the PDA. The name can be a familiar name such as “print” or “scan” or “fax”, a graphic icon, or can be more complex type-in form to be filled in by the user (col. 7, lines 25-35 in Eldridge et al.). Therefore, the name in Eldridge et al. is completely different from “an author” of a reference included in the scanning data. Similarly, Neukermans et al. does not disclose or suggest the scanned data including “an author” of a reference.

Consequently, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest the subject matter recited in claim 14. Therefore, for the above additional reasons, it is respectfully submitted that claim 14 is patentable.

Therefore, it is respectfully requested that the rejection of claim 14 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.4. Claim 15

Claim 15 depends from claim 12. Therefore, for at least the reasons provided above with respect to claim 12, claim 15 is patentable. Moreover, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest “the scanning data extracted from the received document data includes digital text data identifying a publication date of the one reference document.” For the same reasons provided above in claim 14, Eldridge et al. and Neukermans et al. do not disclose or suggest “a publication date” of a reference. Therefore, for the above additional reasons, it is respectfully submitted that claim 15 is patentable.

Therefore, it is respectfully requested that the rejection of claim 15 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.5. Claim 50

Claim 50 depends from claim 12. Therefore, for at least the reasons provided above with respect to claim 12, claim 50 is patentable. In addition, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest “the scanning data extracted from the received document data includes digital text data identifying a name of a publication in which the one reference document appears.” For the same reasons provided above in claims 14 and 15,

Eldridge et al. and Neukermans et al. do not disclose or suggest “a name of a publication.”

Therefore, it is respectfully requested that the rejection of claim 50 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.6. Claim 31

Claim 31 depends from claim 30. Therefore, for at least the reasons provided above with respect to claim 30, it is respectfully submitted that claim 31 is patentable.

Furthermore, claim 31 is further patentable for the subject matter recited therein. Specifically, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose teach or suggest “sending, using the address information, the selected document to the receiving address of the recipient via the communication path,” as recited in claim 31. As stated above, in Eldridge et al., the stored document in the second machine is sent from the second machine to the first machine without using an address of the user at the first machine. Indeed, the user at the first machine simply “fetches” the document from the second machine without using the address of the user (see col. 5, lines 14-17 in Eldridge et al.).

Therefore, it is respectfully requested that the rejection of claim 31 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.7. Claim 33

Claim 33 depends from claim 30. Therefore, for at least the reasons provided above with respect to claim 30, it is respectfully submitted that claim 33 is patentable.

Furthermore, claim 33 is further patentable for the subject matter recited therein. Specifically, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose teach or suggest “sending the selected document to the receiving address via facsimile transmission.” As stated above, with respect to claim 31, in Eldridge et al., the stored document in the second machine is sent from the second machine to the first machine without using an address of the user at the first machine. Indeed, the user at the first machine simply “fetches” the document from the second machine without using the address of the user (see col. 5, lines 14-17 in Eldridge et al.).

Therefore, it is respectfully requested that the rejection of claim 33 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.8. Claims 16, 17, 21, 38, 39 and 47

Claim 16 recites a method for identifying a document and sharing the identified document with a recipient. In the method, a plurality of reference documents are provided. Information captured from a source document is received from a handheld, the information comprising actual data from the source document. Additionally, address information identifying a receiving address for the recipient is also received from the handheld. At least a portion of the captured information is extracted as scanning data. The scanning data is compared with reference data and when the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document is selected as the identified document. The selected document is then sent to the recipient using the address information.

As stated above with respect to claims 1 and 12, Eldridge et al. discloses tokens that are used in a portable device so that services can be performed on documents by transmitting the tokens (including document identifiers) instead of the documents themselves. The token in Eldridge et al. is not actual data from a document. The Examiner concedes that Eldridge et al. does not disclose, teach or suggest “receiving from a handheld device, information captured from a source document by the handheld device, wherein the information comprises actual data from the source document,” as recited in claim 16.

Furthermore, Eldridge et al. does not disclose, teach or suggest “comparing the scanning data with the reference data,” as recited in claim 16. Eldridge et al. does not provide scanned data much less compare the scanned data with a reference data. In col. 2, lines 26-28, Eldridge et al. states that “[t]he token contains the information necessary to find the document or service. The address could consist of the network address of a server and the file path name of a document.” In col. 3, lines 11-12, Eldridge et al. states that “[t]okens which include security information are presented to ‘secure document servers’. A secure server contains a ‘gatekeeper’ which verifies signatures on tokens and examines the specified conditions associated with the token and then acts accordingly.” Eldridge et al. does not disclose, teach or even suggest using scanned data and comparing the scanned data with reference data.

In addition, for at least the reasons provided above, Eldridge et al. does not disclose, teach or suggest “selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document as the identified document,” as recited in claim 16.

Moreover, Eldridge et al. does not disclose, teach or suggest “sending, using the address information, the selected document to the receiving address of the recipient,” as recited in claim

16. In col. 5, lines 14-17, Eldridge et al. states that “[u]pon request of a user at a first machine, a document stored on a second machine may be retrieved and sent from the second machine over the internet, via any number of intermediate machines to the first machine.” In Eldridge et al., the stored document in the second machine is sent from the second machine to the first machine without using an address of the user at the first machine. Indeed, the user at the first machine simply “fetches” the document from the second machine without using the address of the user.

The Examiner contends that Neukermans et al. discloses “receiving, from a handheld device... wherein the information comprises actual data from the source document, and address information identifying a receiving address for the recipient.” The Examiner contends that it would have been obvious to one of ordinary skill in the art to scan a document and generate digital data which can be used for comparison identification. Appellant respectfully disagrees for the reasons set forth below.

Neukermans et al. fails to cure the deficiencies noted above in Eldridge et al. Neukermans et al. does not disclose, teach or suggest the subject matter recited in claim 16. Specifically, Neukermans et al. does disclose, teach or suggest “receiving, from a handheld device in communication with the data processing apparatus, information captured from a source document by the handheld device, wherein the information comprises actual data from the source document, and address information identifying a receiving address for the recipient.” In fact, to the contrary, in Neukermans et al., the handheld device merely receives document data from a scanner, i.e. the data is received by the handheld device and not from the handheld device.

Moreover, there is no suggestion in either Eldridge et al. or Neukermans et al. or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge et al. to scan a document and generate digital data which can be used for comparison identification. Clearly, Neukermans et al. does not disclose, teach or even suggest comparing the scanned document data “using the PDA” with a reference data. As stated above, the scanned document data in Neukermans et al. is merely parsed, stored and archived.

Furthermore, as stated above with respect to claim 1, there is no suggestion or motivation to replace the tokens in Eldridge et al. with actual document data, or to add actual document data (document data from Neukermans et al.) to the tokens in Eldridge et al.

Therefore, contrary to Examiner’s contention, one ordinary skill in the art would not have been motivated to modify Eldridge et al. to scan a document and generate digital data which can be used for comparison identification. Consequently, neither Eldridge et al. nor Neukermans et al., alone or in combination disclose, teach or suggest the subject matter recited in claim 16.

Therefore, claim 16 is patentable over the combination of Eldridge et al. and Neukermans et al. Claims 17 and 21 depend from claim 16. Therefore, for at least the reasons provided above in claim 16, claims 17 and 21 is also patentable.

Claim 38 is similar to claim 16. Therefore, for at least the reasons provided above with respect to claim 16, it is respectfully submitted that claim 38, and claim 39 which depend therefrom, are patentable.

Claim 47 is similar to claim 16. Therefore, for at least the reasons provided above with respect to claim 16, it is respectfully submitted that claim 47 is also patentable.

Therefore, it is respectfully requested that the rejection of claims 16, 17, 21, 38, 39 and 47 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.9. Claims 18 and 40

Claim 18 depends from claim 16. Therefore, for at least the reasons provided above with respect to claim 16, claim 18 is patentable. Similarly, claim 40 depends from claim 38. Therefore, for at least the reasons provided above with respect to claim 38, claim 40 is patentable. Furthermore, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest “the scanning data extracted from the received document data include digital text data identifying an author of the one reference document.” Indeed, as stated above, the token in Eldridge et al. merely contains service names, which identify how a service is identified to the user as a visible name in the user interface of the PDA. The name can be a familiar name such as “print” or “scan” or “fax”, a graphic icon, or can be more complex type-in form to be filled in by the user (col. 7, lines 25-35 in Eldridge et al.). Therefore, the name in Eldridge et al. is completely different from “an author” of a reference included in the scanning data. Similarly, Neukermans et al. does not disclose or suggest the scanned data including “an author” of a reference. Consequently, for these additional reasons, it is submitted that claims 18 and 40 are further patentable for the subject matter recited therein.

Therefore, it is respectfully requested that the rejection of claims 18 and 40 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.10. Claims 19 and 41

Claim 19 depends from claim 16. Therefore, for at least the reasons provided above with respect to claim 16, claim 18 is patentable. Claim 41 depends from claim 38. Therefore, for at

least the reasons provided above with respect to claim 38, claim 41 is patentable. Moreover, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest “the scanning data extracted from the received document data include digital text data identifying a publication date of the one reference document.” For the same reasons provided above in claims 18 and 40, Eldridge et al. and Neukermans et al. do not disclose or suggest “a publication date” of a reference. Consequently, for these additional reasons, it is submitted that claims 19 and 41 are further patentable for the subject matter recited therein.

Therefore, it is respectfully requested that the rejection of claims 19 and 41 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.11. Claims 51 and 52

Claim 51 depends from claim 16. Therefore, for at least the reasons provided above with respect to claim 16, claim 51 is patentable. Claim 52 depends from claim 38. Therefore, for at least the reasons provided above with respect to claim 38, claim 52 is patentable. In addition, neither Eldridge et al. nor Neukermans et al., alone or in combination, disclose, teach or suggest “the scanning data extracted from the received document data includes digital text data identifying a name of a publication in which the one reference document appears.” For the same reasons provided above, in claims 18 and 40, Eldridge et al. and Neukermans et al. do not disclose or suggest “a name of a publication.”

Consequently, for these additional reasons, it is submitted that claims 51 and 52 is further patentable for the subject matter recited therein.

Therefore, it is respectfully requested that the rejection of claims 51 and 52 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

1.12. Claims 22, 23 and 34-36

Claim 22 recites a method of sharing with a recipient a document having information. In the method, the information comprising actual data from the document is captured from the document using a handheld device. Address information identifying a receiving address for the recipient is provided. The captured information and the address information are sent from the handheld to a data processing apparatus. At least a portion of the captured information is extracted as scanning data. A plurality of reference documents are provided. The scanning data is compared with the reference data and when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document is selected as the

identified document. The selected document is then sent to the recipient using the address information.

As stated above with respect to claims 1 and 12, Eldridge et al. discloses tokens that are used in a portable device so that services can be performed on documents by transmitting the tokens (including document identifiers) instead of the documents themselves. The token in Eldridge et al. is not actual data from a document. The Examiner concedes that Eldridge et al. does not disclose, teach or suggest “capturing the information from the document using the handheld device, wherein the information comprises actual data from the document,” as recited in claim 22.

Furthermore, Eldridge et al. does not disclose, teach or suggest “storing the captured information in the memory of the handheld device,” as recited in claim 22. In col. 1, lines 50-53, Eldridge et al. states that “the present invention provides a method for supporting a wide range of digital applications that can be carried out in a data processing device that includes a processor, memory, and a user interface.” Eldridge et al. does not store captured information in a memory of the handheld. The handheld in Eldridge merely stores tokens which are a reference to a document or to a document service in the memory of the handheld (PDA).

Eldridge et al. does not disclose, teach or suggest “sending the captured information and the address information from the handheld device to the data processing apparatus via the communications path,” as recited in claim 22. Eldridge et al. merely sends tokens from the handheld to other devices such as a network printer which can check security, parameters and modify default operations of the printer in response to user input. Eldridge et al. does not send captured information which comprises actual data from a document. Furthermore, Eldridge et al. does not send address information, identifying a receiving address for the recipient, from the handheld device to a data processing apparatus.

Eldridge et al. does not disclose, teach or suggest “receiving, by the data processing apparatus, the captured information and the address information from the handheld device,” as recited in claim 22. In Eldridge et al., the tokens which include security information are presented to “secure document servers” for verification (see col. 3, lines 11-19 in Eldridge et al.). In Eldridge et al., the secure servers do not receive captured information which comprise actual data from a document but merely tokens which are a reference to a document or to a document service. Furthermore, the servers in Eldridge do not receive address information, which identifies a receiving address for the recipient, from the handheld.

Eldridge et al. does not disclose, teach or suggest “extracting at least a portion of the

captured information as scanning data,” as recited in claim 22. Eldridge merely discloses that printers, scanners, fax machines are connected to a network for communication with portable computing devices such as PDAs (see col. 5, lines 19-28 in Eldridge et al.). Eldridge et al. does not disclose or suggest extracting at least a portion of the captured information (which comprises actual data from a document) as scanning data. The scanners, printers, etc. in Eldridge et al. are merely used to receive a token. Indeed, Eldridge et al. states that “[t]his token is transmitted to another device (e.g., a network printer), which can check security, parameters, and modify its default operations in response to user input to the data processing device.” (see col. 1, lines 64-67 in Eldridge et al.).

Eldridge et al. does not disclose, teach or suggest “comparing the scanning data with the reference data,” as recited in claim 22. As stated above, Eldridge et al. does not providing scanning data (which comprises actual data from a document). Furthermore, Eldridge does not compare scanning data with reference data. Eldridge et al. merely uses the token (containing an address of a document) to find the document or service (see col. 2, lines 26-30 in Eldridge et al.).

Eldridge et al. does not disclose, teach or suggest “selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document,” as recited in claim 22. As stated above, Eldridge et al. does not compare scanning data with reference data and as such cannot select the reference document when the scanning data matches at least a portion of the reference data.

Eldridge et al. does not disclose, teach or suggest “sending the captured information and the address information from the handheld device to the data processing apparatus via the communication path.” As stated above, in Eldridge et al., the stored document in the second machine is sent from the second machine to the first machine without using an address of the user at the first machine. Indeed, the user at the first machine simply “fetches” the document from the second machine without using the address of the user (see col. 5, lines 14-17 in Eldridge et al.).

Neukermans et al. does not cure the deficiencies noted above in Eldridge et al. As stated above with respect to claims 1 and 12, Neukermans et al. merely discloses a handheld scanner. In addition, for at least the reasons presented above with respect to claim 1 and claim 12, there is no suggestion or motivation to combine Eldridge et al. and Neukermans et al.

Consequently, neither Eldridge et al. nor Neukermans et al., alone or in combination disclose, teach or suggest the subject matter recited in claim 22. Therefore, claim 22 is patentable over the combination of Eldridge et al. and Neukermans et al. Claim 23 depends from

claim 22. Therefore, for at least the reasons provided above in claim 22, claim 23 is also patentable.

Claim 34 is similar to claim 22. Therefore, for at least the reasons provided above with respect to claim 22, it is respectfully submitted that claim 34, and claims 35-37 which depend therefrom, are patentable.

Therefore, it is respectfully requested that the rejection of claims 22, 23 and 34-37 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. be reversed.

2. Rejection of claims 3-6 and 24-27 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hayakawa (U.S. Patent No. 6, 765,559).

2.1. Claims 3-6

Claims 3-6 depend, directly or indirectly, from claim 1. For at least the reasons provided above with respect to claim 1, claims 3-6 is patentable over the combination of Eldridge et al. and Neukermans et al.

Hayakawa fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Hayakawa merely discloses a page information display method and device for displaying electronic information in a unit of page which includes a page turning operation. Hayakawa does not disclose, teach or suggest, *inter-alia*, “providing the document; capturing the information from the document, wherein the information comprises actual data from the document; storing the captured information in the memory of the handheld device as document data; establishing a communications path between the handheld device and the data processing apparatus; retrieving the document data from the memory of the handheld device; and sending the retrieved document data from the handheld device to the data processing apparatus through the communications path for identification of the document,” as recited in claim 1.

Consequently, for at least the above reasons, none of Eldridge et al., Neukermans et al. and Hayakawa et al., alone or in combination, disclose, teach or suggest the subject matter recited in claims 3-6.

Furthermore, claims 3-6 are further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al, Neukermans et al., Hayakawa et al. or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge to include the capability to access and process a physical document (for example, a newspaper, etc.).

Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claims 3-6 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hayakawa et al. be reversed.

2.2. Claims 24-27

Claims 24-27 depend from claim 22. For at least the reasons provided above with respect to claim 22, claims 24-27 is patentable over the combination of Eldridge et al. and Neukermans et al.

Hayakawa fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. As stated above, Hayakawa merely discloses a page information display method and device for displaying electronic information in a unit of page which includes a page turning operation. Hayakawa does not disclose, teach or suggest, *inter-alia*, “capturing the information from the document using the handheld device, wherein the information comprises actual data from the document; storing the captured information in the memory of the handheld device; providing, to the handheld device, address information identifying a receiving address for the recipient; storing, in the memory of the handheld device, the address information; establishing a communications path between the handheld device and the data processing apparatus; sending the captured information and the address information from the handheld device to the data processing apparatus via the communications path; receiving, by the data processing apparatus, the captured information and the address information from the handheld device; extracting at least a portion of the captured information as scanning data; providing a plurality of reference documents, each reference document having reference data stored in a reference memory; retrieving the reference data from the reference memory; comparing the scanning data with the reference data; selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document; and sending, using the address information, the selected document to the receiving address of the recipient,” as recited in claim 22.

Consequently, for at least the above reasons, none of Eldridge et al., Neukermans et al. and Hayakawa et al., alone or in combination, disclose, teach or suggest the subject matter recited in claims 24-27.

Furthermore, claims 24-27 are further patentable for the subject matter recited therein.

Indeed, there is no suggestion in either Eldridge et al, Neukermans et al., Hayakawa et al. or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge to include the capability to access and process a physical document (for example, a newspaper, etc.).

Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claims 24-27 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hayakawa et al. be reversed.

3. Rejection of claims 10, 20, 28 and 32 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning (U.S. Patent No. 6,707,781).

3.1. Claim 10

Claim 10 depends from claim 1. For at least the reasons provided above with respect to claim 1, claim 10 is patentable over the combination of Eldridge et al. and Neukermans et al.

Browning fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Browning merely discloses a handheld device for scanning a line information including internet email addresses, internet protocol addresses, internet URLs, DNS addresses and bar codes etc...Browning does not disclose, teach or suggest the subject matter recited in any one of claim 1. Consequently, none of Eldridge et al., Neukermans et al. and Browning, alone or in combination, disclose, teach or suggest the subject matter claimed in claim 10.

Furthermore, claim 10 is further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al, Neukermans et al., Browning or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge with the capability to scan a physical document, convert the scanned information into digital data and store the digital data. Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claim 10 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning be reversed.

3.2. Claim 20

Claim 20 depends from claim 16. For at least the reasons provided above with respect to claim 16, claim 20 is patentable over the combination of Eldridge et al. and Neukermans et al.

Browning fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Browning merely discloses a handheld device for scanning a line information including internet email addresses, internet protocol addresses, internet URLs, DNS addresses and bar codes etc...Browning does not disclose, teach or suggest the subject matter recited in any one of claim 16. Consequently, none of Eldridge et al., Neukermans et al. and Browning, alone or in combination, disclose, teach or suggest the subject matter claimed in claim 20.

Furthermore, claim 20 is further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al, Neukermans et al., Browning or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge with the capability to process an electronic document by attaching the electronic document to an email message and sending the email message to the receiving address. Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claim 20 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning be reversed.

3.3. Claim 28

Claim 28 depends from claim 22. For at least the reasons provided above with respect to claim 22, claim 28 is patentable over the combination of Eldridge et al. and Neukermans et al.

Browning fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Browning merely discloses a handheld device for scanning a line information including internet email addresses, internet protocol addresses, internet URLs, DNS addresses and bar codes etc...Browning does not disclose, teach or suggest the subject matter recited in any one of claim 22. Consequently, none of Eldridge et al., Neukermans et al. and Browning, alone or in combination, disclose, teach or suggest the subject matter claimed in claim 20.

Furthermore, claim 28 is further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al, Neukermans et al., Browning or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge with the capability to

scan a physical document, convert the scanned information into digital data and store the digital data. Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claim 28 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning be reversed.

3.4. Claim 32

Claim 32 depends indirectly from claim 30. For at least the reasons provided above with respect to claim 30, claim 32 is patentable over the combination of Eldridge et al. and Neukermans et al.

Browning fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Browning merely discloses a handheld device for scanning a line information including internet email addresses, internet protocol addresses, internet URLs, DNS addresses and bar codes etc...Browning does not disclose, teach or suggest the subject matter recited in any one of claim 30. Consequently, none of Eldridge et al., Neukermans et al. and Browning, alone or in combination, disclose, teach or suggest the subject matter claimed in claim 30.

Furthermore, claim 32 is further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al, Neukermans et al., Browning or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge with the capability to process an electronic document by attaching the electronic document to an email message and sending the email message to the receiving address. Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claim 32 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Browning be reversed.

4. Rejection of claims 11 and 29 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hochendoner (U.S. Patent No. 6,771,568).

4.1. Claim 11

Claim 11 depends from claim 1. For at least the reasons provided above with respect to claim 1, claim 11 is patentable over the combination of Eldridge et al. and Neukermans et al.

Hochendoner fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Hochendoner merely discloses a digital audio recorder having a compact disk and a memory containing a database relating to specific CD's such as album name, artist name etc...Hochendoner does not disclose, teach or suggest the subject matter recited in claim 1.

Furthermore, claim 11 is further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al., Neukermans et al., Hochendoner or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge with the capability to input a spoken audio signal, convert the audio signal to a digital audio signal and store the digital audio signal. Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, it is respectfully requested that the rejection of claim 11 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hochendoner be reversed.

4.2. Claim 29

Claim 29 depends from claim 22. For at least the reasons provided above with respect to claim 22, claim 29 is patentable over the combination of Eldridge et al. and Neukermans et al.

Hochendoner fails to cure the deficiencies noted above in the combination of Eldridge et al. and Neukermans et al. Hochendoner merely discloses a digital audio recorder having a compact disk and a memory containing a database relating to specific CD's such as album name, artist name etc...Hochendoner does not disclose, teach or suggest the subject matter recited in claim 22.

Furthermore, claim 29 is further patentable for the subject matter recited therein. Indeed, there is no suggestion in either Eldridge et al., Neukermans et al., Hochendoner or in the knowledge generally available to one of ordinary skill in the art to modify Eldridge with the

capability to input a spoken audio signal, convert the audio signal to a digital audio signal and store the digital audio signal. Moreover, there is no motivation to combine the references in the manner suggested by the Examiner.

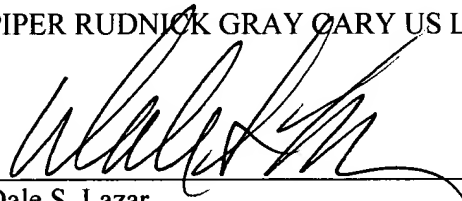
Therefore, it is respectfully requested that the rejection of claim 29 under 35 U.S.C. § 103(a) over the combination of Eldridge et al. and Neukermans et al. and further in view of Hochendoner be reversed.

VIII. CONCLUSION

For each of the foregoing reasons it is submitted that there is no *prima facie* case of obviousness. Appellant has rebutted all such obviousness rejections. Accordingly the Final Rejection should be reversed in all respects.

Respectfully submitted,

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IX. CLAIMS APPENDIX

1. (Previously Presented) A method for sending information to a data processing apparatus for identification of a document having the information using a handheld device capable of communicating with the data processing apparatus, the handheld device having a memory, the method comprising:

providing the document;

capturing the information from the document, wherein the information comprises actual data from the document;

storing the captured information in the memory of the handheld device as document data;

establishing a communications path between the handheld device and the data processing apparatus;

retrieving the document data from the memory of the handheld device; and

sending the retrieved document data from the handheld device to the data processing apparatus through the communications path for identification of the document.

2. (Previously Presented) The method of claim 1 wherein the document is an electronic document.

3. (Previously Presented) The method of claim 1 wherein the document is a physical document.

4. (Previously Presented) The method of claim 3 wherein the physical document is a periodical article.

5. (Previously Presented) The method of claim 3 wherein the physical document is a newspaper article.

6. (Previously Presented) The method of claim 3 wherein the physical document is a magazine article.

7. (Previously Presented) The method of claim 1 wherein the handheld device is a cellular phone.

8. (Previously Presented) The method of claim 1 wherein the handheld device is a personal digital assistant ("PDA").

9. (Previously Presented) The method of claim 1 wherein the handheld device is a watch.

10. (Previously Presented) The method of claim 1 wherein:

capturing the information includes:

scanning the document to generate scanned information, and

converting the scanned information to digital text data; and wherein

storing the captured information includes storing the digital text data.

11. (Previously Presented) The method of claim 1 wherein:

capturing the information includes:

providing the information as spoken audio, and

converting the spoken audio to a digital audio signal; and wherein

storing the captured information includes storing the digital audio signal.

12. (Previously Presented) A method for identifying a document for sharing with a recipient, in a data processing apparatus, the method comprising:

providing a plurality of reference documents, each reference document having reference data stored in a memory;

receiving from a handheld device, document data associated with one of the reference documents, wherein the document data comprises actual data from the document;

extracting at least a portion of the received document data as scanning data;

retrieving the reference data from the memory;

comparing the scanning data with the reference data; and

selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document.

13. (Previously Presented) The method of claim 12 wherein the scanning data extracted from the received document data includes digital text data identifying a name of the one reference document.

14. (Previously Presented) The method of claim 12 wherein the scanning data extracted from the received document data includes digital text data identifying an author of the one reference document.

15. (Previously Presented) The method of claim 12 wherein the scanning data extracted from the received document data includes digital text data identifying a publication date of the one reference document.

16. (Previously Presented) A method for identifying a document and sharing the identified document with a recipient, in a data processing apparatus, the data processing apparatus coupled to a data network, the method comprising:

providing a plurality of reference documents, each reference document having associated reference data stored in a memory;

receiving, from a handheld device in communication with the data processing apparatus, information captured from a source document by the handheld device, wherein the information comprises actual data from the source document, and address information identifying a receiving address for the recipient;

extracting at least a portion of the captured information as scanning data;

retrieving the scanning data from the memory;

comparing the scanning data with the reference data;

selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document as the identified document; and

sending, using the address information, the selected document to the receiving address of the recipient.

17. (Previously Presented) The method of claim 16 wherein the scanning data extracted from the received document data includes digital text data identifying a name of the source document.

18. (Previously Presented) The method of claim 16 wherein the scanning data extracted from the received document data include digital text data identifying an author of the source document.

19. (Previously Presented) The method of claim 16 wherein the scanning data extracted from the

received document data includes digital text data identifying a publication date of the source document.

20. (Previously Presented) The method of claim 16 wherein sending the selected document includes:

- attaching the selected document to an e-mail message, and
- sending the e-mail message to the receiving address via the data network.

21. (Previously Presented) The method of claim 16 wherein sending the selected document includes:

- sending the selected document to the receiving address via facsimile transmission.

22. (Previously Presented) A method for sharing with a recipient a document having information using a handheld device having a memory capable of communicating with a data processing apparatus in communication with a data network, the method comprising:

- capturing the information from the document using the handheld device, wherein the information comprises actual data from the document;
- storing the captured information in the memory of the handheld device;
- providing, to the handheld device, address information identifying a receiving address for the recipient;
- storing, in the memory of the handheld device, the address information;
- establishing a communications path between the handheld device and the data processing apparatus;
- sending the captured information and the address information from the handheld device to the data processing apparatus via the communications path;

receiving, by the data processing apparatus, the captured information and the address information from the handheld device;

extracting at least a portion of the captured information as scanning data;

providing a plurality of reference documents, each reference document having reference data stored in a reference memory;

retrieving the reference data from the reference memory;

comparing the scanning data with the reference data;

selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document; and

sending, using the address information, the selected document to the receiving address of the recipient.

23. (Previously Presented) The method of claim 22 wherein the document is an electronic document.

24. (Previously Presented) The method of claim 22 wherein the document is a physical document.

25. (Previously Presented) The method of claim 24 wherein the physical document is a periodical article.

26. (Previously Presented) The method of claim 24 wherein the physical document is a newspaper article.

27. (Previously Presented) The method of claim 24 wherein the physical document is a

magazine article.

28. (Previously Presented) The method of claim 22 wherein capturing the information includes:

scanning the document to generate scanned information, and
converting the scanned information to digital text data; and wherein
storing the captured information includes storing the digital text data.

29. (Previously Presented) The method of claim 22 wherein capturing the information includes:

providing the information as spoken audio, and
converting the spoken audio to a digital audio signal; and wherein
storing the captured information includes storing the digital audio signal.

30. (Previously Presented) A data processing apparatus for identifying one of a plurality of reference documents for sharing with a recipient in communication with a data network, each reference document having reference data, from information received from a handheld device in communication with the data processing apparatus, the data processing apparatus coupled to the data network, the apparatus comprising:

a memory in which a plurality of instructions are stored; and
a processor coupled to the memory and coupled to : (i) access the reference data in a storage medium, and (ii) receive the information from the handheld device, wherein the information comprises actual data from a document, the processor capable of executing the instructions in the memory, execution of the instructions causing a plurality of steps to be performed including:
extracting at least a portion of the information received from the handheld device
as scanning data,

comparing the scanning data with the reference data, and
selecting, when the scanning data matches at least a portion of the reference data
of one of the reference documents, the one reference document as the identified
document.

31. (Previously Presented) The data processing apparatus of claim 30, wherein the execution of
the instructions by the processor causes further steps to be performed, namely:

establishing a communications path between the data processing apparatus and the
recipient via the data network, and

sending, using the address information, the selected document to the receiving address of
the recipient via the communications path.

32. (Previously Presented) The data processing apparatus of claim 31 wherein sending the
selected document includes:

attaching the selected document to an e-mail message, and

sending the e-mail message to the receiving address via the data network.

33. (Previously Presented) The data processing apparatus of claim 31 wherein sending the
selected document includes:

sending the selected document to the receiving address via facsimile transmission.

34. (Previously Presented) A system for identifying one of a plurality of reference documents,
each reference document having associated reference data, for sharing the identified document
with a recipient, the system comprising:

a data processing apparatus in communication with a data network; and

a handheld device having a memory and capable of:

- capturing the information from the document, wherein the information comprises actual data from the document,
- storing the captured information in the memory,
- storing, in the memory, address information identifying a receiving address for the recipient,
- establishing a communications path with the data processing apparatus, and
- sending the captured information and the address information from the handheld device to the data processing apparatus via the communications path;

the data processing apparatus capable of:

- receiving the captured information and the address information from the handheld device,
- extracting at least a portion of the captured information as scanning data,
- accessing the reference data,
- comparing the scanning data with the reference data,
- selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document as the identified document,
- establishing a communications path between the data processing apparatus and the recipient via the data network, and
- sending, using the address information, the selected document to the receiving address of the recipient via the communications path.

35. (Previously Presented) The system of claim 34 wherein the handheld device is a cellular phone.

36. (Previously Presented) The system of claim 34 wherein the handheld device is a personal digital assistant ("PDA").

37. (Previously Presented) The system of claim 34 wherein the handheld device is a watch.

38. (Previously Presented) A processor readable storage medium having processor readable program code such that, when executed by a processor in a data processing apparatus, performs a method for identifying one of a plurality of reference documents for sharing with a recipient, each reference document having reference data, from information received by the data processing apparatus from a handheld device in communication with the data processing apparatus, the method comprising:

- extracting at least a portion of the information received from the handheld device as scanning data, wherein the information comprises actual data from a document;

- extracting at least a portion of the information received from the handheld device as address information identifying a receiving address for the recipient;

- comparing the scanning data with the reference data;

- selecting, when the scanning data matches at least a portion of the reference data of one of the reference documents, the one reference document as the identified document; and

- sending, using the address information, the selected document to the receiving address of the recipient.

39. (Previously Presented) The processor readable storage medium of claim 38 wherein the scanning data extracted from the received document data includes digital text data identifying a name of the one reference document.

40. (Previously Presented) The processor readable storage medium of claim 38 wherein the scanning data extracted from the received document data includes digital text data identifying an author of the one reference document.

41. (Previously Presented) The processor readable storage medium of claim 38 wherein the scanning data extracted from the received document data includes digital text data identifying a publication date of the one reference document.

42. – 44. (Cancelled)

45. (Previously Presented) A method for sending information to a data processing apparatus for identification of an item using a handheld device capable of communicating with the data processing apparatus, the handheld device having a memory, the method comprising:

capturing information from the item, wherein the information comprises actual data from the item;

storing the captured information in the memory of the handheld device as data;

establishing a communications path between the handheld device and the data processing apparatus;

retrieving the captured information from the memory of the handheld device; and

sending the retrieved data from the handheld device to the data processing apparatus through the communications path for identification of the item.

46. (Currently Amended) The method of ~~Claim~~claim 45, wherein the handheld device is a cellular phone with data network capabilities.

47. (Previously Presented) A method, comprising:

providing a plurality of reference items, each reference item having associated reference data stored in a memory;

receiving, from a handheld device in communication with the data processing apparatus, information captured from an item by the handheld device, wherein the information comprises actual data from the item, and address information identifying a receiving address for the recipient;

extracting at least a portion of the captured information as scanning data;

comparing the scanning data with the reference data;

selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference items, the one reference item as the identified item; and

sending, using the address information, the identified item to the receiving address of the recipient.

48. (Previously Presented) A method, comprising:

providing a plurality of reference documents, each reference document having associated reference data stored in a memory;

receiving, from a handheld device in communication with the data processing apparatus, information captured from a document by the handheld device, wherein the information comprises actual data from the document;

extracting at least a portion of the captured information as scanning data;

comparing the scanning data with the reference data; and

selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference documents, the one reference document as the identified document.

49. (Previously Presented) A method, comprising:

providing a plurality of reference items, each reference item having associated reference data stored in a memory;

receiving, from a handheld device in communication with the data processing apparatus, information captured from an item by the handheld device, wherein the information comprises actual data from the item;

extracting at least a portion of the captured information as scanning data;

comparing the scanning data with the reference data; and

selecting, when the scanning data matches at least a portion of the reference data associated with one of the reference items, the one reference item as the identified item.

50. (Previously Presented) The method of claim 12 wherein the scanning data extracted from the received document data includes digital text data identifying a name of a publication in which the one reference document appears.

51. (Previously Presented) The method of claim 16 wherein the scanning data extracted from the received document data includes digital text data identifying a name of a publication in which the source document appears.

52. (Previously Presented) The method of claim 38 wherein the scanning data extracted from the received document data includes digital text data identifying a name of a publication in which the one reference document appears.

X. EVIDENCE APPENDIX

NONE.

XI. RELATED PROCEEDINGS APPENDIX

NONE.